

Planning Commission

HB 1220 RZC Permanent Implementation Regulations

November 3, 2021

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Redmond
WASHINGTON

Engrossed Second Substitute House Bill (ESSHB) 1220 – Zoning Mandates.



- May 12, ESSHB 1220 was signed into law
- Went into effect on July 25, 2021
- Requires cities to implement the following mandates:
 - ✓ Effective July 25, 2021, **permanent supportive housing and transitional housing** shall not be prohibited **in any zone where residential dwellings or hotels are allowed**; and
 - ✓ Effective September 30, 2021, **indoor emergency housing and indoor emergency shelters** shall not be prohibited **in any zone where hotels are allowed**.

Interim Zoning Control Ordinance 3059



Interim zoning means a temporary **emergency zoning** that is conducted while the local government makes revisions to existing zoning ordinances or creates and adopts a final zoning plan or zoning ordinance.

RCW 36.70A.390- A city governing body that adopts an interim official control without holding a public hearing **the governing body shall hold a public hearing at least sixty days** of its adoption. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing.

RZC 21.57 Permanent Supportive Housing and Transitional Housing

Definitions

- **Permanent Supportive Housing.** Permanent supportive housing has the same meaning as RCW 36.70A.030 “Permanent supportive housing” and as thereafter amended.
- **Transitional Housing.** Transitional housing has the same meaning as RCW 84.36.043 “Transitional housing” and as thereafter amended.
- Permanent supportive housing is subsidized, leased housing
- No limit on length of stay
- Comprehensive volunteer support services
- Admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors.

RZC 21.57.20 Emergency Shelters and Emergency Housing

Definitions

- **Emergency Housing** means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families.
- **Emergency Shelter** means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement.

Program Component	Permanent Supportive Housing	Transitional Housing	Emergency Housing	Emergency Shelter
Serves	Homeless	Homeless	Homeless or at Risk	Homeless
Time Limit/Stay	No limit	Up to two years	Temporary (no limit - typically 60-90 days)	Temporary (no limit - typically 60-90 days)
Supportive Services	Yes- (e.g. health care, treatment, and employment services)	Yes	May or May Not	May or May Not
Intent	Permanent housing for individual who have barriers to housing stability. Includes a lease arrangement.	Temporary housing arrangement while seeking permanent housing.	Temporary housing arrangement while seeking permanent housing. May have a lease or occupancy agreement	Address short-term basic needs such as safety, meals, showers, and beds. No lease or occupancy agreement

Amendments to Redmond Zoning Code (RZC)

1. Chapter 21.04 General Provisions
2. Chapter 21.08 Residential Regulations.
3. Chapter 21.08 Residential Regulations
4. Chapter 21.10 Downtown Regulations.
5. Chapter 21.12 Overlake Regulations.
6. Chapter 21.13 Southeast Redmond Regulations
7. 21.14 Commercial Regulations
8. NEW CHAPTER. RZC 21.57 Permanent Supportive Housing and Transitional Housing
9. NEW CHAPTER. 21.57.020 Emergency Shelter and Emergency Housing

RZC 21.58 Permanent Supportive Housing and Transitional Housing *Use Tables*

1. Permanent Supportive Housing, as defined under RCW 36.70A, and Transitional Housing, as defined under RCW 84.36, are allowed in all Land Use Districts where residential dwellings and/or hotel uses are allowed, subject to chapter RZC 21.58 Permanent Supportive Housing and Transitional Housing.
2. Emergency Housing, as defined under RCW 36.70A.030, and Emergency Shelter, as defined under RCW 36.70A.030, are allowed in all Land Use Districts where hotel uses are allowed, subject to chapter RZC 21.60 Emergency Shelter and Emergency Housing.

RZC 21.58 Permanent Supportive Housing and Transitional Housing *Purpose , Applicability*

A. Purpose. *The purpose of the permanent supportive housing and transitional housing provisions is to:*

- 1. Support housing stability and individual safety to those experiencing homelessness.*
- 2. Ensure that housing is accessible to all economic segments of the population*

B. Applicability. *The provisions of this section apply to all permanent supportive housing and transitional housing developments in the City.*

RZC 21.57 Permanent Supportive Housing and Transitional Housing *Siting and Spacing, Density and Occupancy Requirements*

1. Siting and Spacing of Permanent Supportive Housing and Transitional Housing.

The siting and spacing of permanent supportive housing and transitional housing shall be limited to no less than one half mile from all established Permanent Supportive Housing and Transitional Housing.

2. Density. The density or maximum number of residents for permanent supportive housing and transitional housing shall be limited as follows:

a. Permanent supportive housing and transitional housing located in mixed-use zoning districts in accordance with section 21.04.030 Comprehensive Allowed Uses Chart shall be limited to 100 residents unless agreed upon with additional mitigation measures as part of an Occupancy Agreement.

b. Permanent supportive housing and transitional housing located in residential and nonresidential zoning districts in accordance with section 21.04.030 Comprehensive Allowed Uses Chart shall be limited in density and occupancy based on the underlying zoning district in which the use is proposed.

RZC 21.57 Permanent Supportive Housing and Transitional Housing *Occupancy Agreement*

3. *Occupancy Agreement.*

- a. An occupancy agreement shall be established with the City prior to occupancy of a permanent supportive housing or transitional housing use:
 - i. *Property owners and/or operators shall enter into an agreement with the City in a form that is acceptable to the City.*
- b. The occupancy agreement shall include but not be limited to the following:
 - i. *Names and contact information for onsite staff.*
 - ii. *Description of the services to be provided onsite.*
 - iii. *Description of the staffing plan including the following:*
 - A. *Number of staff supporting residents and operations;*
 - B. *Certification requirements;*
 - C. *Staff training programs;*
 - D. *Staff to client ratios; and*
 - E. *Roles and responsibilities of all staff.*

RZC 21.57 Permanent Supportive Housing and Transitional Housing *Occupancy Agreement continued*

iv. **Program rules and/or code of conduct** describing occupant expectation and consequences for failing to comply. The code of conduct shall at a minimum address the following topics:

- A. The use or sale of alcohol and illegal drugs;
- B. Threatening or unsafe behavior; and
- C. Weapon possession.

RZC 21.57 Permanent Supportive Housing and Transitional Housing *Occupancy Agreement continued*

- v. **Safety and security plan** reviewed and approved by the Redmond Police Department.
- vi. A plan for potential impacts on nearby businesses and/or residences including a proposed mitigation approach (for example, a "**Good Neighbor Agreement Plan**")
- vii. **Description of eligibility** for residency and a referral process.
- viii. **Parking management plan** that includes a prohibition of car camping onsite and in designated on-street parking.

RZC 21.57.020 Emergency Shelter and Emergency Housing

Permit, Spacing, and Density

A. A short or **long-term temporary use permit** for emergency shelter or emergency housing shall be **valid for the duration of a State of Emergency, per RCW 43.06.200**, or as authorized by the Code Administrator based on the following criteria:

1. Siting and Spacing of Emergency Shelters and Emergency Housing.

Emergency shelters and emergency housing shall be located no less than 1,000 feet from all established emergency shelters or emergency housing.

2. Density.

Individual emergency shelters and emergency housing shall be limited to a maximum number of occupants based on the site or structure capacity to maintain health, safety, and welfare of the total of permanent residents, temporary residents, and operational staff.

RZC 21.57.20 Emergency Shelter and Emergency Housing Occupancy Agreement

3. Occupancy Agreement.

- a. An occupancy agreement shall be established with the City prior to occupancy of an emergency shelters or emergency housing use:
 - i. Property owners and/or operators shall enter into an agreement with the City in a form that is acceptable to the City.
- b. The occupancy agreement shall include but not be limited to the following:
 - i. Name and contact information for onsite staff.
 - ii. Description of the services to be provided onsite.
 - iii. Description of the staffing including the following:
 - A. Number of staff supporting residents and operations;
 - B. Certification requirements;
 - C. Staff training programs;
 - D. Staff to client ratios; and
 - E. Roles and responsibilities of all staff.

RZC 21.57.20 Emergency Shelter and Emergency Housing

Operational Rules, Security Plan, Notice

- iv. **Operational rules and/or code of conduct** describing occupant expectations and consequences for failing to comply. The code of conduct shall at a minimum address the following topics:
 - A. The use or sale of alcohol and illegal drugs;
 - B. Threatening or unsafe behavior; and
 - C. Weapon possession.
- v. **Safety and security plan** reviewed and approved by the Redmond Police Department.

4. Notice of Application, Land Use Action Sign, Neighborhood Meeting, and Notification.

The Notice of Application, Land Use Action Sign, neighborhood meeting, and mailed notice **shall be waived** for emergency shelters and emergency housing established in response to a State of Emergency, per RCW 43.06.200, or as authorized by the Code Administrator.

Program Component	Permanent Supportive Housing	Transitional Housing	Emergency Housing	Emergency Shelter
Zones Allowed	All zones where residences and hotels are permitted per ESSHB 1220		All zones where hotels are permitted per ESSHB 1220	
Occupancy Agreement	✓	✓	✓	✓
Operational /Program Rules and code of conduct	✓	✓	✓	✓
Safety and Security Plan	✓	✓	✓	✓

Public Comment

- Public safety considerations | illegal use of drugs
- Public safety considerations | related to potential resident sex offenders residing at facility.
- Public safety considerations | related to the proximity of the proposed facility to schools and neighborhoods.
- *Public safety considerations | related to increased crime/no background checks*
- Concerns that the proposed facility will only serve chronically homeless populations suffering from mental illness and drug addiction rather than homeless families.
- *Questions regarding the need for facilities in Redmond to serve chronically homeless populations.*
- Concerns that the facility will import chronically homeless populations from areas outside the Eastside
- Lack of transparency in King County's acquisition of a hotel in Redmond to establish a permanent supportive housing use.
- *General support for approach to address chronic homelessness.*

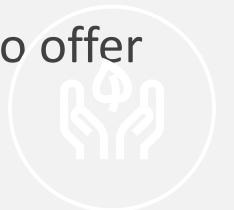
Draft recommendations to the Planning Commission

1. Spacing Considerations:

- i. Consider whether separation requirements can be expanded without precluding Redmond's ability to accommodate its targets for moderate, low, very low, and extremely low-income households, emergency housing, emergency shelters, transitional housing, and permanent supportive housing.

2. Occupancy Agreement Considerations:

- Consider a requirement that **no shelter**, transitional, or permanent supportive housing use may also be a designated **supervised/safer consumption site** (SCS), supervised/safer injection facility (SIF), or supervised/safer injection service (SIS), broadly classified as Community Health Engagement Locations (CHELs) under King County Department of Community and Human Services and King County Public Health.
- Consider clarifying how the **City Council will be involved in the approval** of occupancy agreements.
- Identify **outreach opportunities** that facilitate input from **individuals with lived experience** in homelessness during the development of required occupancy agreements.
- Consider a requirement that the prior experience and success of the operator is clearly addressed in the occupancy agreement.
- Consider allowing partnerships between multiple operators and providers as a mechanism to offer levels of service needed to support the proposed resident population.
- Consider a requirement to maintain minimum staffing levels.



Draft recommendations to the Planning Commission Con't

- 3. Process Clarity.** Address process clarity in the siting of permanent supportive housing, transitional housing, emergency housing, and emergency shelters.
- 4. Periodic Review and Evaluation.** Provide for a periodic review and adjustment of regulations if needed.
- 5. Redmond Appropriate.** Ensure any permanent ordinance is Redmond-appropriate and reflects the values and vision of the Redmond community as expressed in the Comprehensive Plan, Community Strategic Plan, Human Services Strategic Plan, Housing Action Plan, and City values of welcoming.

PLANS AND MANDATES

Commerce
Targets &
GMA
Requirements

Countywide
Planning
Policy Targets

Redmond
Housing Action
Plan (HAP)

< 30% AMI
TARGETS

?
(2022)

CPP 2019-2044
Min. 2984

HAP 2020-2040
2669 Units

FUNDING SOURCES

**<30% AMI
100 % Subsidized**

- **HB 1406 Funding**
- **HB1590 Funding**
- **ARCH Housing Trust Fund**
- **Housing Levy**
- **Public funding or land contributions**
- **ARCH Housing Trust Fund**
- **Alternative compliance**

Technical Committee Recommendation

On October 27, 2021, the Technical Committee recommended approval of the permanent regulations as adopted in IOC Ordinance Number 3059 with the following additional conditions.

That the Planning Commission consider and address the recommendations identified in the transmittal from the City Council provided in the Supplemental Findings of Fact and Conclusions for Interim Official Control Ordinance No. 3059.

Milestones



Thank you

Any Questions?

